

**REMARKS**

Applicants respectfully acknowledge receipt of the Office Action mailed May 11, 2006.

In the Office Action, the Examiner: (1) rejected claims 1-3, 37, and 38 under 35 U.S.C. § 102(b) as being anticipated by *Suzuki* (U.S. Patent Pub. No. 2002/0009309); (2) rejected claim 4 under 35 U.S.C. § 103(a) as being unpatentable over *Suzuki* in view of *Kobayahsi et al.* (U.S. Patent Pub. No. 2002/0098437); (3) rejected claims 5, 6, 8, and 9 under 35 U.S.C. § 103(a) as being unpatentable over *Suzuki* in view of *Tamai* (U.S. Patent Pub. No. 2003/0156859), and further in view of *Hibino et al.* (Japanese Patent Pub. No. 07-013420); (4) rejected claims 7 and 10 under 35 U.S.C. § 103(a) as being unpatentable over *Suzuki*, *Tamai*, and *Hibino*, and further in view of *Kobayahsi*; (5) rejected claims 30 and 32 under 35 U.S.C. § 103(a) as being unpatentable over *Suzuki* in view of *Tokimatsu et al.* (U.S. Patent Pub. No. 2003/0219291); (6) rejected claims 41 and 42 under 35 U.S.C. § 103(a) as being unpatentable over *Suzuki* in view of *Fujimoto* (U.S. Patent Pub. No. 2002/0071697); and (7) objected to claims 29 and 31 as being dependent upon a rejected base claim, but allowable if rewritten in independent form.

By this Amendment, Applicants amend the specification and claims 1-10, 29-32, 37, 38, 41, and 42. Upon entry of this Amendment, claims 1-10, 29-32, 37, 38, 41, and 42 will remain pending. Of these claims, claim 1 is independent. Claims 11-28, 33-36, 39, 40, 43, and 44 were previously withdrawn from consideration in the "Response to Restriction Requirement" filed April 12, 2006.

The originally-filed specification, claims, abstract, and drawings fully support the amendments to the specification and claims 1-10, 29-32, 37, 38, 41, and 42. No new matter has been introduced.

Applicants gratefully acknowledge the Examiner's indication of allowable subject matter in claims 29 and 31. However, Applicants have not rewritten claims 29 and 31 to include all of the limitations of the base claim and any intervening claims because at least independent claim 1 is patentably distinguishable over the cited prior art.

Applicants traverse the rejections above and respectfully request reconsideration for at least the reasons set forth below.

**I. 35 U.S.C. § 102(b) REJECTION**

Claims 1-3, 37, and 38 stand rejected under 35 U.S.C. § 102(b) as being anticipated by *Suzuki*. Applicants respectfully disagree with the Examiner's arguments and conclusions and submit that independent claim 1 is patentably distinguishable over *Suzuki* at least for the reasons set forth below.

In order to properly establish that *Suzuki* anticipates Applicants' claimed invention under 35 U.S.C. § 102, each and every element of each of the claims in issue must be disclosed, either expressly or under principles of inherency, in that single prior art reference. Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim.” See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

*Suzuki* discloses a two-component developing device body 14 including a toner hopper 34 having a toner supply port with a relatively wide opening. The toner hopper 34 supplies the toner to stirring paddles 7. (*Suzuki*, [0064] - [0065] and FIG. 3).

*Suzuki*, however, fails to teach or suggest wherein the toner supply port is formed above a position where the two stirring paddles 7 (i.e., the two developer stirring sections) face each other (emphases added). As clearly illustrated in FIG. 3, the toner supply port is formed directly above only one of the stirring paddles 7 (emphasis added).

Accordingly, with respect to independent claim 1, *Suzuki* fails to teach or suggest the claimed combination, including, *inter alia*:

“a toner supply opening formed above a position where the first and second developer stirring sections face each other...” (emphases added).

The Examiner, therefore, has not met the essential criteria for showing anticipation, wherein “each and every element of each of the claims in issue must be found, either expressly described or under principles of inherency, in...a...single reference.” See M.P.E.P. § 2131. Accordingly, independent claim 1 is patentable over *Suzuki*. Applicants therefore request that the rejection of claim 1 under 35 U.S.C. § 102(b) be withdrawn and claim 1 be allowed.

Moreover, claims 2, 3, 29, 31, 37, and 38 are allowable at least due to their dependence from independent claim 1. In addition, at least some of the dependent claims may recite unique combinations that are neither disclosed nor suggested by the cited art, and therefore some also are separately patentable.

## II. 35 U.S.C. § 103(a) REJECTIONS

Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Suzuki* in view of *Kobayashi*; claims 5, 6, 8, and 9 stand under 35 U.S.C. § 103(a) as being unpatentable over *Suzuki* in view of *Tamai*, and further in view of *Hibino*; claims 7

and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Suzuki*, *Tamai*, and *Hibino*, and further in view of *Kobayahsi*; claims 30 and 32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Suzuki* in view of *Tokimatsu*; and claims 41 and 42 stand under 35 U.S.C. § 103(a) as being unpatentable over *Suzuki* in view of *Fujimoto*.

As noted above, *Suzuki* fails to disclose a toner supply opening formed above a position where the first and second developer stirring sections face each other (emphases added). Similarly, the following references also fail to overcome this deficiency. The Examiner alleges that *Kobayahsi* teaches “where in the two-component developer is composed of the toner having a volume average particle diameter of 3 .mu.m to 5 .mu.m, and...the carrier having volume average particle diameter of 5.times.Dt to 10.times.Dt” (*Office Action*, p. 5, II. 8-11); *Tamai* discloses “one of the two developer stirring sections (ref. #4, Fig[s]. 1 and 2) comprises a stirring member extending spirally in the rotation axis direction throughout an outer periphery of a shaft member...” (*Id.* at p. 6, line 18 - p. 7, line 3); *Hibino* teaches “another developer stirring section [comprising] a plurality of plate-like members...(Fig. 9, ref. #'s 59c)...” (*Id.* at p. 7, II. 3-10); *Tokimatsu* teaches “a toner recycling section (Fig. 1, ref. #81) for collecting the toner removed from the...image carrying member...” (*Id.* at p. 10, II. 6-8); and *Fujimoto* teaches “wherein, in the housing, there is a partition (Fig's. 9 & 10, ref. #2) between the developer supplying/collecting unit (10B area) and the developer stirring unit (10A area)...” (*Id.* at p. 11, II. 6-13).

Such teachings, even if present in these references, fail to teach or suggest the claimed “toner supply opening formed above a position where the first and second

developer stirring sections face each other..." Accordingly, claims 4-10, 30, 32, 41, and 42 are allowable at least due to their dependence from independent claim 1.

### III. CONCLUSION

Applicants respectfully submit that independent claim 1 is in condition for allowance. In addition, claims 2-10, 29-32, 37, 38, 41, and 42 are in condition for allowance at least due to their dependence from independent claim 1.

The Office Action contains characterizations of the claims and the related art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: August 9, 2006

By: /David W. Hill/  
David W. Hill  
Reg. No. 28,220